

ORDINANCE NO. 2014-18

AN ORDINANCE of the City of Bainbridge Island, Washington, clarifying the composition and duties of the Planning Commission, and amending Section 2.14.020 of the Bainbridge Island Municipal Code.

WHEREAS, the City has established a Planning Commission pursuant to the provisions of Chapter 35A.63 RCW; and

WHEREAS, the City Council desires to clarify the composition and duties of the Planning Commission;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BAINBRIDGE ISLAND, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Section 2.14.020 of the Bainbridge Island Municipal Code is hereby amended to read as follows:

A. Purpose and Role of the Planning Commission. The Bainbridge Island planning commission ~~is responsible to the mayor,~~ serves as an advisory body to the ~~mayor and~~ city council, and provides recommendations to the director of planning, the hearing examiner and/or the city council. The commission's role ~~can be~~ is to consider legislative, as well as quasi-judicial matters, depending upon the action before it. Pursuant to Chapter 35A.63 RCW, the commission has primary responsibility for preparing, reviewing and updating the comprehensive plan.

B. Duties and Responsibilities. Pursuant to the provisions of Chapter 35A.63 RCW, there is established within the city a planning commission that shall have the following duties and responsibilities:

1. Participate in the preparation and review of the comprehensive plan for the city; and
2. Review and make recommendations on all applications for amendments to the comprehensive plan, official zoning map and official zoning ordinance of the city pursuant to Table 2.16.010-1; and
3. Review and make recommendations on all housing design demonstration project applications pursuant to BIMC 2.16.020.Q, including those housing

design demonstration project applications involving land subdivision, based on a comprehensive review of the project at a public meeting; and

4. Such other advisory duties as may be assigned to it by the city council ~~or the mayor~~, or as specified in the BIMC; and

5. The title “planning commission” is substituted for the title “planning agency” in all city ordinances and other documents approved prior to the effective date of the ordinance codified in this chapter; and

6. Create the planning commission agenda per the director’s recommendation; and

7. Report annually to the city council prior to the start of the budget process.

C. Composition – Appointments – Terms – Residency – Chairpersons.

1. The commission shall consist of seven members appointed by the mayor and confirmed by the city council. All seven members of the commission shall be residents of the city. The members shall not be employees or officers of the city or appointed to another city committee, board or commission, except for specialized committees or task forces of limited duration. The commission shall reflect the diverse perspectives, work experiences and backgrounds represented in the community. Each commissioner shall endeavor to understand and agree to uphold the city’s adopted comprehensive plan.

2. All members shall serve without compensation for three-year terms, which begin on July 1 and end on June 30 three years later. Members shall be appointed to a position number, and the Terms are to be staggered, with no more than three positions expiring in any given year. Members may be re-appointed to additional terms. No member shall serve more than three consecutive terms on the commission unless the city council determines that special expertise is required or there are no other qualified applicants.

3. The officers of the commission shall consist of a chairperson and a vice chairperson elected by the members of the commission for a one-year term. The

election of officers shall take place at the first meeting of the year ~~no later than February 28th of each year. The term of each officer shall run from February 1st until January 31st of the following year.~~ In the event of the vacancy of the chair, the chairperson would be replaced by the vice chairperson, and the vice chairperson would be replaced by a vote of the members of the commission.

4. The chairperson shall preside over meetings of the commission and may exercise all the powers usually incident to the office. Duties of the chairperson shall include, but not be limited to, committees of the whole, handling meeting items and discussion, conflict of interest, suspension of meetings, timing or discussion of issues, and clarification of issues and questions. The chairperson shall sign all approved commission minutes, reports or other official documents.

5. In the absence of the chairperson, the vice chairperson shall perform all the duties incumbent upon the chairperson. The chairperson and the vice chairperson both being absent, the members present may elect for the meeting a temporary chairperson who shall have the full powers of the chairperson during the absence of the chairperson and the vice chairperson.

6. The chair shall have full power to create subcommittees that would include up to three commissioners. Standing or temporary committees may be charged with such duties, examinations, investigations and inquiries relative to one or more subjects of interest to the commission. No committee shall have the power to commit the commission to the endorsement of any plan or program without the approval of a quorum of the commission.

D. Forfeiture of Office.

1. A member appointed to the commission shall forfeit his or her office, creating a vacancy, if he or she ceases to have the qualifications prescribed for such office by law or ordinance, or if he or she is convicted of a gross misdemeanor or felony or a violation of the oath of office.

2. In the event of a commission member being absent from three consecutive regular meetings, or being absent from 50 percent of all meetings (including committee) in any six-month period, the office shall become vacant and forfeited;

provided, that the mayor, with city council approval, may grant an exception when warranted by individual circumstances.

3. For an extended absence, a commissioner may request a leave of absence, to be approved by the mayor, with city council approval.

4. Any unexpired term of a vacant or forfeited office shall be filled by a qualified person appointed by the mayor and confirmed by the city council in accordance with the city's appointment cycle.

E. Meetings.

1. The planning commission shall meet on the second and fourth Thursday of each month and may hold such special meetings as the planning commission may determine necessary. All regularly scheduled meetings shall begin at 7:00 p.m. and shall endeavor to adjourn by 9:00 p.m.; provided, that the hours of a regular meeting may be modified for exceptional purposes, as determined by the chairperson.

2. Planning commission meetings shall be held at the city of Bainbridge Island City Hall. Under special circumstances, regular and special meetings and retreats may be held in other locations as publicly noticed.

3. The planning commission shall give public notice of its meetings as provided by law. Notice for a public hearing shall be provided at least 10 days in advance of said hearing.

4. All meetings of the planning commission shall be open to the public and held in accordance with the Open Public Meetings Act (Chapter 42.30 RCW). In the event a regular meeting falls upon a legal holiday, the meeting shall be held on the following business day.

5. All meetings shall be conducted according to Robert's Rules of Order.

6. The planning commission shall review and approve rules of procedure and code of conduct annually.

F. Quorum and Voting.

1. A simple majority of the appointed members shall constitute a quorum for the transaction of business.
2. The chairperson shall be entitled to vote on a matter when it is necessary to break a tie or to make a quorum.
3. When a commissioner has stepped down because of a potential conflict of interest, he or she shall not be counted for purposes of establishing a quorum during considerations undertaken while he or she is not sitting with the commission.

G. Public Meetings and Hearings. The planning commission will consider ~~the~~ land use applications at a public meeting and shall recommend approval, approval with conditions, or denial of an application. For legislative decisions, the planning commission will hold a public hearing and shall recommend approval, approval with conditions, or denial of an application. In making a recommendation, the planning commission shall consider the applicable decision criteria of this code, the comprehensive plan, all other applicable law, any necessary documents and approvals, and any testimony presented verbally or in writing at the public meeting. If the applicable criteria are not met, the planning commission shall recommend the proposal be subject to conditions or denied. A planning commission recommendation is not a final decision and is not subject to appeal. The planning commission's written recommendation and other documents upon which its decision is based shall be immediately transmitted to the director and/or the hearing examiner, as applicable.

H. Public Records. Minutes of each meeting, including a record of attendance, shall be prepared by the secretary and approved and signed at a subsequent meeting. The minutes do not need to reflect the actual discussion, but only the formal actions taken by the planning commission. The meeting minutes shall be posted on the city's web site.

I. Consultants. Upon approval of the city council, the planning commission may recommend the retention of a planning consultant who assists the planning commission in its deliberations. The consultant shall be hired by the city.

J. Conflict of Interest. Planning commission members shall sign a conflict of interest statement in accordance with the city's ethics program upon appointment and any reappointment. If a planning commission member has a financial interest in or is an applicant, or if a planning commission member is a paid or unpaid advocate, agent or representative for an applicant on a comprehensive plan amendment or land use application that will be reviewed or considered by the planning commission, the planning commission member shall not participate in a decision or recommendation on the application, and he or she will be asked to leave the meeting facility prior to commencement of discussion of that agenda item.

K. Support Staff. The planning staff shall perform the following roles in its work with the planning commission:

1. Provide the initial record that includes the standards of review, relevant municipal code and comprehensive plan provisions and provisions of other permitting agencies. The staff report shall include findings of fact and conclusions of law based on evidence in the record; and
2. Provide technical information and research, prepare documents and maintain records. This includes drafting transmittal memos, preparing alternative findings and conclusions when appropriate, and obtaining legal opinions from the city attorney; and
3. Respond to questions and discussion of procedures; and
4. Assist the commission in articulating their collective will; and
5. Provide upon request formal opinions or recommendations from the city attorney, city engineer, public works director or the director of planning and community development on any matter that is pending before the planning commission; and
6. Arrange for the provision of city email accounts to commission members and related training on the use of email accounts, including personal computer privacy expectations while serving on the commission.

Section 2. This ordinance shall take effect and be in force five (5) days from its passage, approval, and publication as required by law.

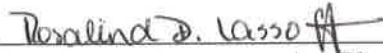
PASSED BY THE CITY COUNCIL this 12th day of May, 2014.

APPROVED BY THE MAYOR this 12th day of May, 2014.



Anne S. Blair, Mayor

ATTEST/AUTHENTICATE:



Rosalind D. Lassoff, City Clerk

FILED WITH THE CITY CLERK:	April 23, 2014
PASSED BY THE CITY COUNCIL:	May 12, 2014
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